IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

PROGRESS FUELS	
CORPORATION,)
) Case No. 2:06CV00010
Plaintiff,)
) OPINION AND ORDER
V.)
) By: James P. Jones
SIGMON COAL COMPANY,) Chief United States District Judge
INC.,)
)
Defendant.)

Stephen M. Hodges and Wade W. Massie, Penn, Stuart & Eskridge, Abingdon, Virginia, for Plaintiff; Martin B. Bailey, Wagner, Myers & Sanger, P.C., Knoxville, Tennessee, for Defendant.

The defendant Sigmon Coal Company, Inc., has filed Second Objections to certain discovery rulings by the magistrate judge in an order dated November 6, 2006. The objections have been briefed and argued and are ripe for decision.

Nondispositive orders of the magistrate judge may be modified only if "clearly erroneous or contrary to law." 28 U.S.C.A. § 636(b)(1)(A) (West 2006); Fed. R. Civ. P. 72(a). Particularly in civil discovery matters, the magistrate judge is given broad discretion. *Coles v. Jenkins*, 181 F.R.D. 569, 570 (W.D. Va. 1998). I should not overturn that discretion unless I have formed "a definite and firm conviction that the court below committed a clear error of judgment in the conclusion it reached upon a

weighing of the relevant factors." Morris v. Wachovia Sec., Inc., 448 F.3d 268, 277

(4th Cir. 2006) (citation omitted).

After careful consideration of the magistrate judge's order and the record

before me, I cannot find that the magistrate judge abused her discretion and

accordingly I will overrule the defendant's objections.

It is so **ORDERED**.

ENTER: December 3, 2006

/s/ James P. Jones

Chief United States District Judge

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